DOCUMENT RESUME

ED 278 079 CS 505 495

AUTHOR Botan, Carl H.; Ziegelmueller, George W.
TITLE Commensalism in Teaching: Parliamentary Procedure and Argumentation.
PUB DATE Nov 86
NOTE 15p.; Paper presented at the Annual Meeting of the Speech Communication Association (72nd, Chicago, IL, November 13-16, 1986).
PUB TYPE Guides - Classroom Use - Guides (For Teachers) (052) -- Speeches/Conference Papers (150)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Course Content; Course Organization; Debate; Higher Education; *Integrated Activities; *Learning Activities; *Persuasive Discourse; *Speech Instruction; *Teaching Methods
IDENTIFIERS *Parliamentary Procedures

ABSTRACT

Parliamentary procedure might best be taught in a context specific format; it would be better understood by students if not taught as a "stand alone" subject. Since the basic concepts of argumentation theory--propositions, stasis, and presumption and burden of proof--are reinforced by the rules of parliamentary procedure, instructors can teach more effectively by combining these two disciplines. Linking parliamentary procedure and argumentation can allow scrutiny of each step along the way to a decision. This parliamentary differentiation between debatable and nondebatable propositions promotes candid, critical discussion. Similarly, the issues of concern to a deliberative body cannot move forward until the point of contention, or stasis, is resolved in some manner; parliamentary procedure provides the set of rules with which to determine exactly the point of stasis. Finally, to fulfill the goal of argument as procedure, those who propose a change in the parliamentary policy bear the burden of proof and must provide sufficient reason for the change. Otherwise, it is presumed that the policy will remain the same. A course that combines these concepts of argumentation with the rules of parliamentary procedure would attract more students, provide a useful preliminary course, and help teach students the interaction of procedure and product/process. Such a course could be constructed around (1) an examination of the practical aspects of argumentation; (2) an introduction to basic parliamentary procedure; (3) a linking of argument and parliamentary procedure concepts; (4) initial structuring of arguments, including the fundamentals of case building and analysis; (5) both theoretical and practical refutation and rebuttal techniques; and (6) strategies emphasizing the opportunities for persuasive advantage provided by the constraints of procedural rules. (JD)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED278079

COMMENSALISM IN TEACHING: PARLIAMENTARY PROCEDURE AND ARGUMENTATION

Paper Presented to the
Commission on American Parliamentary Practices

at

The Annual Meeting of the
Speech Communication Association
Chicago: 1986

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

by

Carl H. Botan
and
George W. Ziegelmueller

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Carl H. Botan

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

Carl H. Botan is assistant professor of communication at Illinois State University, Normal, IL 61761. George W. Ziegelmueller is professor of speech communication, theatre, and journalism at Wayne State University, Detroit, MI 48202

CS505495

BEST COPY AVAILABLE

INTRODUCTION

Parliamentary procedure might best be taught in context specific formats, instead of the sometimes abstract and mechanistic course structure often found today, for three reasons.

First, parliamentary procedure is practiced only within a particular context. Meetings are not called for the purpose of parliamentary procedure, rather parliamentary procedure is used to help achieve the purpose of meetings. Therefore, parliamentary procedure is not a stand-alone subject as it is practiced and might be better understood by students if not taught as a stand alone subject.

Second, communication and speech departments are under constant pressure to provide training in a number of specialized sub-fields. Department resources may not make the teaching of another sub-field possible. In addition, students may not be interested in learning a new, relatively isolated, "corner" of their discipline. A corner which seems not to relate to or use the terms and concepts they have already learned.

Third, by approaching the teaching of parliamentary procedure in content specific formats the needs of particular groups of students can be met. Lawyers and legally oriented students might find parliamentary procedure most comprehensible when approached through such familiar concepts as presumption and burden of proof. Church and community oriented students might have their needs met by approaching parliamentary procedure through such familiar concepts as the general will, building unity, and fairness. Small group oriented students might benefit by approaching parliamentary procedure as a set of rules to help achieve open inquiry after truth. Organizational communication students might grasp parliamentary procedure as a time tested way to mediate between the needs of the individual and the organization. The list could go on.

This paper proposes a pedagogical strategy of linking of parliamentary procedure and

argumentation for three reasons. First, parliamentary procedure and argumentation use mutually reinforcing concepts such that either might be employed to illuminate the other. Second, while parliamentary procedure has been included in a small group text on at least one occasion,[1] it has been more common for it to be included in argumentation texts.[2] These texts have implied the linkage of parliamentary procedure and argumentation by including parliamentary procedure as a unit. Third, the authors of this paper have recently had a theoretical work on the relationship of argument to parliamentary procedure published which can serve as a theoretical foundation for a discussion of pedagogy.[3]

This paper will first discuss four examples of the mutually reinforcing concepts common to parliamentary procedure and argumentation. The paper will then propose a pedagogical strategy, and will close by discussing possible pedagogical tactics in the form of some general thoughts for a course outline.

REINFORCING CONCEPTS

Parliamentary procedure is a particular set of conventions within the broader field of argument. Many characteristics of argumentation are incorporated in, and enforced through, parliamentary procedure. For the purpose of illustration, three of the major concepts in argumentation -- propositions, stasis, and presumption and burden of proof -- will be discussed (based on discussions elsewhere by the authors) as they are manifested in parliamentary procedure.

Propositions: In parliamentary procedure propositions take the form of motions, specifically of main motions. Robert's Rules of Order (Newly Revised), states that:

> a motion is a formal proposal by a member in a meeting that the assembly take certain action (emphasis added). The proposed action may be of a substantive nature, or it may consist in expressing a certain view, or directing

> that a particular investigation be conducted and the findings reported to the assembly for possible further action, or the like.[4]

All business is brought before a deliberative (parliamentary) organization in the form of a motion. Main motions fit argumentation's definition of a proposition of policy which Ziegelmueller and Dause say is "a statement which asserts that a course of action should be taken."[5]

In a properly run meeting, some proposition is always before the body, or "on the floor." (At no time should the floor be devoid of a proposition of some sort).[6] When this is the case, you adjourn. You have nothing to decide. Additionally, the only discussion that is permitted is that which relates to the pending motion.[7] The parliamentary terminology is that all debate must be germane to the pending question. This requirement, of being germane, was first codified in the Journal of the House of Commons in the year 1610 A.D.[8] Finally, there can be only one such proposition on the floor at a time, a rule first codified in the Journal in 1581.[9] The function of a motion or proposition is to focus debate. To do this it should have one central idea to which debate and amendments must be germane.

From a rhetorical point of view propositions are understood as theses for which a speaker seeks to gain assent. In logic a proposition is understood as a claim to be proven or supported. While both of these concepts come into play in parliamentary debate and discussion, the procedural outlook on argument is even better exemplified by parliamentary procedure which differentiates between debatable and non-debatable propositions to help insure candidness through orderly procedure and to allow critical scrutiny each step along the way to a decision.

This differentiation into debatable and non-debatable propositions promotes candid and critical discussion because motions which introduce business are debatable so as to make

critical scrutiny possible while "motions of high privilege (all incidental and most privileged) are undebatable because their high privilege indicates that they are urgent and should be settled without delay."[10] Clearly, the time involved in critical scrutiny would contradict the purpose of such urgent motions. Additionally, "secondary motions are debatable or not depending upon the extent to which they prevent the assembly from considering the motion to which they are applied. For example, to postpone indefinitely prevents the assembly from considering a question, therefore, it is subject to debate."[11] Since these motions have the effect of inhibiting critical scrutiny, they are themselves open to critical scrutiny.

Stasis: The issues of concern to a deliberative body are contained in the propositions (motions) considered by the body. All parliamentary propositions (motions) are put in question form before the body, such that the advocates vote "yes" and the opposition votes "no". The point of clash or contention is the point of stasis, the argument cannot move forward until it is resolved in some manner.

Here we shall make the distinction between pending questions and immediately pending questions. In parliamentary law various kinds of motions are assigned rank, or precedence, in relation to other motions. All business is conducted by main motions, and secondary motions can be applied to them (subsidiary), to questions of procedure (incidental), or to questions of privilege (privileged).

The motions (82 total) have an order of precedence among themselves which is explained by Robert:

> If two motions, "A" and "B" are related under rules of parliamentary procedure in such a way that motion "B" can be made while motion "A" is pending, and....can thus temporarily replace "A" as the immediately pending question, motion "B" takes precedence over motion "A", and motion "A" yields to motion

> "B". A secondary motion thus takes precedence over the main motion, and a main motion takes precedence over nothing and yields to all applicable secondary motions.[12]

By means of precedence, several motions can be on the floor at one time, but only one, the highest in precedence, is under discussion at a time. This is the point of stasis, the point of clash which must be resolved before argument can move forward to the next item in precedence. In the procedural sense this is the procedural point to be decided, in the process (rhetorical) or product (logical) sense it is the stasis of fact, definition, or quality, which is at issue, to which the procedural stasis may simply be being applied as a maneuver.

The intent of parliamentary law is to define clearly, and present for yes or no vote, the point of stasis which is before the body. The point of stasis can be isolated and brought to the fore, such that business can not move forward until it is resolved, by the very powerful strategic maneuver of simply offering an amendment that affects the point of stasis. This makes debate (or decision in the case of undebatable motions) on the point of stasis the only activity that is in order.

In a deliberative society run by parliamentary procedure, the stasis is the debate on the issue contained in the motion holding precedence. The point of stasis is very carefully prescribed as the immediate pending question, that which is "in order." At any given time, only this point is in order.

It is fair to say that the whole function of parliamentary procedure is to provide a set of rules to determine exactly the point of stasis in a deliberative society. Any discussion that fails to address the stasis, or makes it unnecessarily difficult for others to do so, (such as indecorum) is prohibited.

Presumption and Burden of Proof: On the question of presumption and burden of

proof, Bishop Whately said:

> Presumption in favor of any supposition means . . . such preoccupation of the ground as implies that it must stand good till some sufficient reason is adduced against it; the Burden of Proof lies on the side of him who would dispute it.[13]

Ehninger and Brockriede go a step farther in identifying two kinds of presumption: natural (which is a characteristic) and artificial (which is a convention).[14] Artificial presumption is the result of preoccupation by agreement, such as assigned by a set of rules like parliamentary procedure.

In lay terms, presumption is the principle that things will stay as they are unless sufficient reason to change is given. Parliamentary main motions are propositions of policy, that is, they advocate some new action; they are proposing a change, if only from nonaction. Therefore, the presumption lies with the opponents, the "no" vote. This is similar to presumption in law or formal academic debate. The burden of proof (onus probandi) lies with the side advocating change, the movers of the motion. The movers, equivalent to the affirmative in formal debate, must "prove" the need to adopt the proposed motion.

Burden of proof is further implied by the fact that the maker of the motion has the right to be the first speaker[15] and is usually recognized as having the right to make the closing comments. However, according to Ehninger and Brockriede presumption does not assume that the status quo is better, more desirable, likely to win, or any other such judgment.[16] Nor does it mean the preoccupation of the ground is legitimate or illegitimate. Zarefsky provides three functions of presumption in policy argument:

1. Serves to determine which party must initiate a controversy, the one without presumption (the movers).

2. Delineates the responsibilities and options of the advocate, such as where the burden of proof lies.
3. Provides a means of making a decision if the two sides are evenly balanced, with the presumption.[17]

In parliamentary law a motion (proposition) is adopted only if it achieves a majority of the votes cast, a tie vote defeats the proposition.[18] Zarefsky's notion that presumption is against the specific proposition dovetails nicely with this rule, as does the traditional concept of presumption which holds that failure to gain a majority means the present system is maintained. Even in the case of consensus decision (General Consent, RONR, p. 44), either the presumption has been overcome so completely that no opposition remains, or "the opposition feeling that it is useless to oppose or discuss the matter, simply acquiesces."[19]

Presumption is not always the same in parliamentary law, it changes in strength or amount. For some motions, presumption lies at the point of fifty percent of those present and voting, whereon, more vote will overcome presumption and carry the motion. This is true for almost all main and secondary motions. Sometimes presumption lies at the point of a two-thirds vote of those present and voting, such as in the Call of the Question.[20] In one case, the motion to expunge, the presumption against the motion is so strong that a majority (fifty percent plus one) of the <u>total membership</u> must vote in favor of the resolution[21] in order for it to be adopted. Even a one hundred percent vote of members at a meeting is not enough to overcome the presumption if they are not a majority of the total membership.

The purpose of the heavier presumption in some cases is once again to guarantee the fulfillment of the goal of argument as procedure, i.e., to guarantee candid and critical discussion. So central is this goal that the motions which override it, such as the call of

the previous question, or limiting debate, are faced with a disproportionately large presumption against them such that one third plus one of the members present and voting can assure continued scrutiny by voting them down.

Viewed in the inverse, burden of proof also varies. On most motions the advocates have to persuade a simple majority that they have proven the desirability of the proposed action. For motions that propose five specific kinds of action[22] the burden of proof is much heavier, requiring the persuasion of two-thirds of those present, or even a majority of the total members.

PEDAGOGY

Because the basic concepts of argumentation theory are reinforced by the rules of parliamentary procedure, a teaching strategy which combines these two discipline is recommended.

The traditional debate paradigm suffers from a high degree of isolation from the everyday life experiences of most students in argumentation classes. This isolation springs from the fact that the elements of a formal debate paradigm are highly stylized, the unfamiliar procedures are hard to learn, and the strategies which are derived from them are generally not transferable to everyday situations. Probably the most significant difference of the parliamentary paradigm lies in the provision of an amendment process through which contending positions can be bargained and compromised. This much more closely resembles everyday life than does the "win or lose the original position" dichotomy of the debate paradigm.

Ironically, the parliamentary paradigm suffers to a lesser degree from isolation due to its very concentration on procedure. All too frequently parliamentary procedure is taught, and even practiced, from an entirely procedural view. When parliamentary procedure is thus taught, without serious attention being paid to substance, the significance, rational

for, and affects of the various procedures are often not fully understood. Additionally, an almost exclusive concentration on procedures tends to give undue importance to strategic manipulaton in the conduct of parliamentary deliberations. Integrating argumentation concepts into parliamentary procedure concepts would ameliorate this incorrect, solely procedural, view of parliamentary procedure.

When taught separately, both argumentation and parliamentary procedure tend to have an unreal game-like quality, and even if a student takes both courses they may not see, or be shown, the links and relationships between the two. The utility of the proposal offered herein lies in its ability to combine both traditional argumentation concepts and parliamentary procedure concepts. Such a strategy would expand both paradigms and help break both out of their relative isolation. A pedagogical strategy based on combining the strong points of the debate and parliamentary procedure paradigms has the potential of being a gestalt -- greater than the sum of its parts.

The average student will never use what is learned in argumentation class about order of speaking or time constraints in a legal or debate situation. However, students will have many opportunities to apply their classroom training in boardrooms and business meetings run under parliamentary procedure.

Several advantages would accrue as a result of the adoption of the proposed paradigm. First, a course which combined both parliamentary procedure and argument might be attractive to more students. Especially at smaller institutions where the number of students electing either the argumentation class or the parliamentary procedure class is frequently too small to warrant holding either class on its own, the combined class may well hold. As a corollary, where there is difficulty in finding staff to teach either or both as specialty courses, a combined class may help alleviate staffing problems. Second, where student enrollment and staffing considerations allow for offering each class separately, a

combined course would provide a useful preliminary course to prepare students much more fully for the specialized courses. The third and overriding advantage of the combined paradigm is found in its potential to help teach the interraction of procedure and product/process. When students begin to see more clearly how reason and procedure work together to create strategy, they will be better able to see how the process we call persuasion occurs and how to practice it ethically in parliamentary settings.

No serious disadvantages appear to exist if the combined paradigm is adopted. Such a combined course may seem to involve a lot of material, (but in reality most argumentation classes have to dedicate much of their time to teaching the procedural rules of academic debate, and most parliamentary procedure classes devote considerable time to one kind of topic or another.) As indicated in the preceding sections of this paper, the essence of parliamentary procedure can be boiled down to only a few major concepts which dovetail nicely with the major concepts in argumentation. With a careful integration of combined paradigm concepts and the expertise of the individual instructor, the combined paradigm can be covered effectively in a one semester class. In fact, as previously noted, earlier argumentation texts frequently contained units on parliamentary procedure and at least one relatively current text does so.[23]

COURSE OUTLINE

While the individual class structure must be determined by the instructor in charge, a possible syllabus could be built around the following six components. 1) Research tools, an examination of the practical aspects of finding the substantive stuff of which arguments are built. 2) Basic parliamentary procedure, an introduction to such fundamental parliamentary concepts as main motions, privileged motions, incidental motions, subsidiary motions, precedence, the floor, majority rule, minority rights, amendment, committees, and

the roles of officers. 3) Argument concepts linked to parliamentary procedure concepts, based largely on the second (and to a lesser extent the first) section of this paper and emphasizing the ways in which argument theory and parliamentary procedure complement each other. 4) Initial structuring of arguments, including the fundamentals of case building and analysis. 5) Refutation and rebuttal, concentrating not only on techniques applicable in academic debate, but also specifically including techniques which may be more readily applied in parliamentary formats and in everyday life. 6) Strategies, based on concepts developed in an article by the authors in The Southern Speech Communication Journal stressing the way in which the constraints of procedural rules provide opportunities for persuasive advantage.[24]

Basic class format for the combined class could be a series of parliamentary or legislative (or Oxford/Cambridge Union) debates in which the chair and secretary rotate. Specific topics and standards of critique could be varied to correspond to the six primary class components as outlined above.

The proposal offered here, while not the definitive solution, is intended to help instructors teach in a real world way and to teach both argumentation and parliamentary procedure more effectively.

NOTES

[1]John F. Cragan and David W. Wright, Communication in Small Group Discussions (2nd Ed.) (St. Paul: West Publishing Co., 1986).

[2]James H. McBurney and Glen F. Mills, Argumentation and Debate: Techniques of a Free Society, (2nd Ed.), (New York: The McMillan Co., 1964), pp. 313-316. Wayne N. N. Thompson, Modern Argumentation and Debate: Principles and Practices, (New York: Harper & Row, Publishers, 1954), pp. 306-320. Argumentation and Debate: Principles and Practices, David Potter, Ed., (New York: Henry Holt & Co., Inc.), pp. 267-270 and 325-342.

[3]Carl H. Botan and George W. Ziegelmueller, "The Procedural Perspective on Argument: Parliamentary Procedure in Organizations," The Southern Speech Communication Journal, LI, (2) 1986, 166-167.

[4]Henry M. Robert, Robert's Rules of Order (Newly Revised) (Glenview, Illinois: Scott, Foresman and Co., 1981), p. 22; hereafter cited as RONR. (Note: There are several recognized parliamentary authorities besides Robert. The works of Hellman, Keesey, Sturgis, Demeter and even Thomas Jefferson, could all add their own useful insights to the pedagogical strategy discussed in this paper. However, the focus of this paper is on the relationship of parliamentary procedure to the broader field of argumentation. As a practical matter, Robert is employed as the example most familiar to teachers of communication and argumentation courses.)

[5]George Ziegelmueller and Charles A. Dause, Argumentation: Inquiry and Advocacy (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1975), p. 15.

[6]RONR, p. 28.

[7]RONR, p. 28.

[8]RONR, p. xxxi.

[9]RONR, p. xxxi.

[10]James A. McMonagle and Emil R. Pfiser, The Membership Manual, (New York: Vantage Press, 1970), p. 119.

[11]McMonagle and Pfister, pp. 119-120.

[12]RONR, p. 50.

[13]Richard Whately, Elements of Rhetoric, Ed. Douglas Ehninger (Carbondale, IL: Southern Illinois University Press, 1963), p. 26.

[14]Douglas Ehninger and Wayne Brockriede, Decision by Debate (New York: Mead & Co., 1963), p. 39.

[15]RONR, p. 25.

[16]Ehninger and Brockriede, p. 37.

[17]David Zarefsky, "A Reformation of the Concept of Presumption" paper to Central States Speech Association (April 7, 1972), p. 1.

[18]RONR, p. 343.

[19]RONR, p. 45.

[20]RONR, p. 340.

[21]RONR, p. 260.

[22]RONR, p. 340.

[23]Austin J. Freeley, Argumentation and Debate: Reasoned Decision Making, 5th Ed. (Belmont, California: Wadsworth Publishing Co., 1981).

[24]Botan and Ziegelmueller, 1986.